

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM LANTANASIO)	
Petitioner,)	
)	
vs.)	C.A. No. 05-197 ERIE
)	
JEFFREY BEARD)	
Respondent.)	

RULE AND ORDER

AND NOW, this 11th day of August, 2005, after Petitioner presented a petition for a writ of habeas corpus and paid the filing fee,

IT IS ORDERED that the Report and Recommendation issued June 27, 2005 be VACATED and the motion for leave to proceed in forma pauperis be DISMISSED AS MOOT.

IT IS ORDERED that the United States Marshal shall make service of this order, together with a copy of the petition, upon the Respondent, the District Attorney of Erie County, and the Attorney General of the Commonwealth of Pennsylvania.

IT IS FURTHER ORDERED that within twenty days of service of this order, the responder.t, and the District Attorney of Erie County, Pennsylvania shall respond to the allegations of the petition for writ of habeas corpus. The District Attorney shall address all of the following 1) the statute of limitations, 28 U.S.C. § 2254(d)(1)-(2); 2) the exhaustion of state court remedies as required by 28 U.S.C. §§ 2254(b) and Picard v. Connor, 404 U.S. 270 (1971); Rose v. Lundy, 455 U.S. 509 (1982); United States ex. rel. Trantino v. Hatrack, 563 F.2d 86 (3d Cir. 1977); Zicarelli v. Gray, 543 F.2d 466 (3d Cir. 1976), with respect to each claim raised by the Petitioner and, if appropriate, whether any of the claims were procedurally defaulted, and 3) the merits of the petition. The answer shall comply with Rule 5 of the Rules Governing Section 2254 cases in the United States District Courts. The District Attorney shall furnish this court with the state court records, including all transcripts, all briefs filed by the Petitioner, and all written

opinions of the state courts/agencies as well as certified copies of the docket sheets of all the state courts/agencies involved.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge

cc: William Lantanasio
SCI Waymart
Waymart PA 18472

District Attorney of Erie County
Attorney General of Pennsylvania

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IT IS FURTHER ORDERED that within twenty days of service of this order, the respondent, and the District Attorney of Erie County, Pennsylvania shall respond to the allegations of the petition for writ of habeas corpus. The District Attorney shall address all of the following 1) the statute of limitations, 28 U.S.C. § 2254(d)(1)-(2); 2) the exhaustion of state court remedies as required by 28 U.S.C. §§ 2254(b) and Picard v. Connor, 404 U.S. 270 (1971); Rose v. Lundy, 455 U.S. 509 (1982); United States ex. rel. Trantino v. Hatrack, 563 F.2d 86 (3d Cir. 1977); Zicarelli v. Gray, 543 F.2d 466 (3d Cir. 1976), with respect to each claim raised by the Petitioner and, if appropriate, whether any of the claims were procedurally defaulted, and 3) the merits of the petition. The answer shall comply with Rule 5 of the Rules Governing Section 2254 cases in the United States District Courts. The District Attorney shall furnish this court with the state court records, including all transcripts, all briefs filed by the Petitioner, and all written

2. Article Number



7160 3901 9842 6648 6260

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

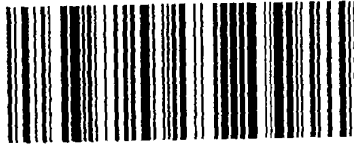
JEFFREY BEARD, COMMISSIONER
2520 LISBURN ROAD
CAMP HILL, PA. 17001

5-197E, O/P, 9/2/05, SRB

Domestic Return Receipt

PS Form 3811, January 2003

2. Article Number



7160 3901 9842 6648 6277

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

ATTORNEY GENERAL COMMONWEALTH OF PA
564 FORBES AVENUE
6TH FLOOR MANOR BLDG
PITTSBURGH, PA. 15219

5-197E, O/P, 9/2/05, SRB

Domestic Return Receipt

PS Form 3811, January 2003

2. Article Number



7160 3901 9842 6648 6284

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

ERIE COUNTY DISTRICT ATTORNEY
ERIE COUNTY COURTHOUSE
ERIE, PA. 16501

5-197E, O/P, 9/2/05, SRB

Domestic Return Receipt

PS Form 3811, January 2003

A. Received by (Please Print Clearly) <i>S. Harold</i>	B. Date of Delivery <i>9/6</i>
C. Signature <i>[Signature]</i>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery <i>9/6</i>
C. Signature <i>Patricia Cleaver</i>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) <i>Aubrey Hager</i>	B. Date of Delivery <i>9/6/05</i>
C. Signature <i>[Signature]</i>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	